



CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit application will follow the development review process as outlined in Section 4-4 of the Zoning Ordinance, adopted on January 4, 2010.

Date of Application: _____
Applicant's Name: _____
Applicant's Address: _____
Applicant's Telephone: _____
Applicant's E-mail: _____

Owner's Name: _____
Owner's Address: _____
Owner's Telephone: _____

Conditional Use Address: _____
Name of Proposed Project: _____

PIN Number: _____
Deed Book and Page: _____

If the building is pre-existing, lot size, setbacks and current impervious coverage may remain unless the building is being renovated beyond 50% of the structures and/or of its value as listed with the Lenoir County Tax Office. Renovations exceeding 50% of the building and/or its value require conformance with all zoning regulations.

New or Pre-Existing: _____

Zoning District: _____
Minimum Lot Size: _____
Corner Lot: _____
Setbacks: _____
Proposed Use: _____

The Administrator/Planning Board will use the following answers to guide the evaluation of your proposed project:

Is the proposed use listed as Conditional in Section 11-4? _____ YES NO NA
Does the proposed use meet parking rules outlined in Article 15? _____ YES NO NA
Does the proposed use meet the requirements of Article 16 Buffers? _____ YES NO NA

Continued on next page.



Required Attachments:

- ▶ Provide a detailed description of the proposed use and label it “*Description of Proposed Use*”
- ▶ Explain in detail how conditions in article 4 will be met and label it “*Article 4 Conditions*”
- ▶ Attach a sketch plan or other site plan required by the Ordinance and label it “*Site Improvements*”
- ▶ Attach any other applicable permits at the end of the application packet.

I certify that the information provided in this Conditional Use Permit Application is true and accurate and if approved will be in conformance with the Town of La Grange Zoning Ordinance and any additional conditions imposed by the Town of La Grange Board of Adjustment. I acknowledge that failure to adhere to any of these conditions may result in the revocation of the Conditional Use Permit and any associated privilege license.

Applicant (Owner or Agent)

Date

Amount Paid: _____

Date Paid



Dear Conditional Use Permit Applicant,

We appreciate your interest in development in the Town of La Grange. Some of our uses are considered to be conditional and have additional regulations. This process was designed in order to protect the character of the Town and properties adjacent to and nearby your proposed project. In an area with historically small lots and businesses neighboring residential areas, we make every effort possible to facilitate quality and sustainable development.

A Conditional Use Permit Application must be submitted 30 days prior to the Board of Adjustment meeting where you wish for it to be heard. This is to allow adequate time for staff review and have materials available for the Planning Board to review. **It is strongly encouraged to schedule a pre-application meeting before you wish to submit the proposed project.** Please be advised, a project may need to be amended after the initial Planning Board review, and resubmitted to the Planning Board before being scheduled for a BOA hearing. All fees must be paid when the application is submitted. For the most current fee schedule, please consult Town Hall or www.lagrangenc.com. A current schedule of meetings is posted here as well.

Once the Planning Board has made a recommendation on the application, it will be placed on the Board of Adjustment Schedule. There are important procedures outlined in the state statutes that must be followed in order to facilitate this process. Under normal circumstances, once a recommendation is made by the Planning Board, it will be eligible for the BOA meeting thereafter. Section 4-4 on Conditional Use Permit procedures has been attached for your review. Please familiarize yourself with the guidelines in this document.

Best Regards,

The Town of La Grange Planning Department

IMPORTANT NOTES:

- ▶ Please note if the CUP is granted, signage will require independent permits. Article 14 of the Zoning Ordinance outlines sign regulations.
- ▶ Please note, if the CUP is granted, applicable zoning and building permits will be required.
- ▶ A Conditional Use Permit may be revoked at any time if the conditions set forth by the Town of La Grange Board of Adjustment are not met.
- ▶ The Planning Department will summarize all comments from the Administrator, which will be entered into the evidence reviewed by the Planning Board and the Board of Adjustment during their review processes.
- ▶ The Planning Department will attach all pertinent ordinances for the Planning Board and Board of Adjustment to review.
- ▶ The Planning Department will attach a check-list of all conditions the BOA must evaluate.



- ▶ The Planning Department will attach a list of applicable adjacent properties and proof of proper notification.
- ▶ Planning Department will attach proof of sign posting.

Section 4-4 Conditional and Special Use Permits

The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location. The provisions of this ordinance permit some uses to be established by right in the appropriate district while other uses require a permit from the Board of Adjustment. Those which require a permit from the Board of Adjustment are termed “conditional uses,” while those which involve broader policy considerations require a permit from the Town Council and are termed “special uses.” Both conditional and special uses may be compatible with and desirable in the districts in which they are designated, but they may also have characteristics which could have detrimental effects on adjacent properties, or La Grange as a whole, therefore must be considered specifically and independently. Public hearings required by this section will be held in accordance with the requirements of the North Carolina General Statutes and shall be open to the public. The Administrator shall mail a letter of notice to the applicant as well as to the owners of all adjacent property within two-hundred (200) feet of the proposed site, not less than ten (10) days prior to the scheduled hearing. A deciding vote may be taken at the conclusion of the public hearing, but may be extended for a period of thirty-five (35) days after the date of the original hearing. When applying for a conditional or special use permit, the applicant shall provide all necessary applications and site plans at the time of submission. The site plans shall contain the following criteria:

- (A) Topography-Especially for uses requiring a well-drained site and adequate storm drainage.
- (B) Structures-Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- (C) Circulation-Proposed points of access and egress and pattern of internal circulation.
- (D) Parking and Loading-Layout of parking spaces; location and arrangement of all proposed off-street parking, if required.
- (E) Buffering-Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property (or fencing/screening for swimming pools at private clubs). Electrical substations shall be enclosed by a fence not less than 8 feet in height with three strands of barbed wire turned out at the top.

Conditional Use Permit

The Town Board of Adjustment shall hear and decide conditional use permits. A super majority or 4/5 vote shall be required to issue such permit. When deciding conditional use permits, the Town Board of Adjustment shall follow quasi-judicial procedures.

- (A) The procedure for obtaining a permit is as follows:



- (1) A conditional use permit shall be required for any use listed as a conditional use in the Table of Permitted Uses.
 - (2) Applications for a permit approval shall accompany the application for a zoning permit and shall be addressed to the Town Board of Adjustment and presented to the Administrator at least thirty (30) days prior to the scheduled Board of Adjustment meeting at which the permit is to be considered. Each application shall contain or be accompanied by a site plan and shall be forwarded to the planning board for consideration.
 - (3) The Planning Board shall review the application and shall present its recommendations to the Town Board of Adjustment prior to or at the public hearing held by that body in writing.
 - (4) The Town Board of Adjustment shall hold a public hearing prior to taking action on a conditional use permit.
 - (5) The Town Board of Adjustment shall issue a conditional use permit, if after a public hearing the use:
 - (a) Is listed among the conditional uses in the district for which application is made;
 - (b) Is essential or desirable to the public convenience or welfare;
 - (c) Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
 - (d) Will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
 - (e) Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
 - (f) Will have ingress and egress designed to minimize traffic congestion in the public streets.
- (B) The Town Board of Adjustment may impose any conditions upon the permit that it deems necessary in order for the development to comply with the spirit and integrity of this ordinance and the Town of La Grange.
- (C) If the permit application for conditional use is approved; all conditions shall run with the land and shall be binding on the original applicant, heirs, successors and assigns.
- (D) Granting a conditional use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Town Board of Adjustment.
- (E) After the issuance of a conditional use permit, the applicant has six (6) months to exercise or consummate the conditional use. If the conditional use is not consummated during this period, the conditional use permit shall become null and void.
- (F) If an approved conditional use ceases to exist for a period of one hundred and eighty (180) days, the conditional use permit shall become null and void.
- (G) If the Board of Adjustment denies request for a conditional use permit, the reasons shall be entered in the minutes of the meeting at which the permit was denied.
- (H) If a petition for a conditional use permit is denied, a period of twelve (12) months must elapse before another petition for the same conditional use may be submitted.